IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 12867 of 2005

Between:

P. Radaiah, s/o Narahari,
45 Years, Senior Assistant,

O/o Integrated Check Post,

Boraz, Adilabad District.

..... PETITIONER

AND

1 Deputy Commissioner, Commercial Taxes, Warangal.
2 Deputy Commissioner, Commercial Taxes, Adilabad.
3 Deputy Commercial Tax Officer, Integrated Check Post,
Boraz, Adilabad District.
4 Shamsuddin, Senior Assistant,
O/o Commercial Tax Office, Adilabad.

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate Writ Order or direction more particularly one in the nature of Writ of Certiorari and call for the records on the file of A.P. Administrative Tribunal in O.A.No.2151 of 2005 dated 11-5-2005 and proceedings of the 1st respondent in Rc.No. A1/10/2005, dated 19-4-2005, and consequential proceedings of the 3rd respondent issued in Rc.No. A1/129/2003

dated 29-4-2005 and quash the same.

Counsel for the Petitioner: MR.A.SURYANARAYANA MURTHY

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following:

ORDER: (Per JC,J)

Aggrieved by an order in O.A.No.2151 of 2005, dated 11.05.2005, the unsuccessful petitioner therein preferred the present writ petition. The writ petitioner challenged an order, dated 19.04.2005, of the first respondent, by which the petitioner was transferred and posted in the office of the Commercial Tax Officer, Adilabad.

According to the petitioner, the first respondent does not have the jurisdiction to pass such an order of transfer. Except making an assertion that the first respondent lacks the jurisdiction, nothing is brought to our notice as to how the first respondent lacks jurisdiction. It is the case of the petitioner that he is governed by the A.P.Ministerial Service Rules, 1998.

According to the learned counsel for the petitioner, the appointing authority for the post in which the petitioner is working is the Regional Officer concerned as provided under Rule 4 of the said Rules.

The question is, who is the Regional Officer? The assertion of the petitioner is that the Deputy Commissioner of Commercial Taxes, Adilabad is the Regional Officer concerned, whereas, according to the Government Pleader, the Deputy Commissioner of Commercial Taxes, Warangal is the Regional Officer concerned. Learned counsel for the petitioner did not bring anything to our notice to establish as to who is the Regional Officer concerned. In the absence of any such material, we do not see any reason to interfere with the order of the Tribunal.

The writ petition is dismissed at the admission stage without any order as to costs.

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J.CHELAMESWAR, J.

Date: 30.06.2005.

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M.VENKATESWARA REDDY, J.

GS

To

1 The Deputy Commissioner, Commercial Taxes, Warangal.

2 The Deputy Commissioner, Commercial Taxes, Adilabad.

3 The Deputy Commercial Tax Officer, Integrated Check Post, Boraz, Adilabad District.

4 Two CCs to the Government Pleader for Services-II, High Court of A.P., Hyderabad (O.U.T.)

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 Two C.D. Copies.